

A MOON IN JAIL FOR P. POWER

SUSPENSION FROM THE BAR
THREATENS HIS LAWYER.

Short Work Made of the Monkeyshines in the Northern Pacific-Northern Securities Injunction Cases When They Get Before a United States Judge.

"So much for Mr. Power," said United States Judge Lacombe yesterday after ordering the "vanishing plaintiff" in the Northern Pacific-Northern Securities injunction suits to be committed to jail for three days (when caught) for contempt of court.

"And as for you, Mr. Lamb," the judge went on, turning to George Alfred Lamb, the lawyer who has brought all the Peter Power suits, "as for you, it is the order of this court that you appear at 11 o'clock on Aug. 20 to show cause why you should not be suspended from practice or otherwise admonished for grossly unprofessional conduct throughout this case. On that day there will be at least two, and possibly three, judges of the district sitting on this bench, and I shall submit to them myself the various papers and a brief order to show cause. You will have an opportunity to answer."

"But I have committed no offence, your honor," almost tearfully pleaded the lawyer, jumping on his feet.

"Call the next case," was the reply from the bench.

When the calendar was called at noon in Room 124 of the Post Office Building William D. Guthrie and Frank Kellogg were on hand to argue for the defendants the motion to have Peter Power adjudged in contempt of court for neglecting to appear as a witness, though repeatedly subpoenaed. When the case was reached Mr. Guthrie and Mr. Lamb both answered ready.

"Is this the case of the vanishing plaintiff?" asked the court.

"It is," replied Mr. Guthrie.

"Is Peter Power in court now?" again queried Judge Lacombe.

"Er—um—or—this is, no, sir," answered Mr. Lamb, precipitately, as the court repeated the question.

It was after 4 o'clock when the intervening cases had been disposed of. Meanwhile Mr. Lamb amused the reporters and others standing in the halls by suggestions that Peter Power, plaintiff and bridge-builder, had been kidnapped by Pinkerton detectives employed by Mr. Guthrie. The latter replied to these insinuations that the last man known to have seen Power was Lamb himself, and that the kidnapping must be looked for on that side.

When Judge Lacombe called up the Power motion again Lawyer Guthrie arose and began a history of the case, the result of the efforts made to compel Power to testify. Power owns 100 shares of Northern Pacific, and he began a suit last January to prevent retirement of the company's preferred stock. The suit was begun in Minnesota, and Richard A. Mahle was appointed a special examiner to take testimony here. Attorney Mahle, however, was not among them. Mr. Pierpont Morgan and his business associates, the defence gave no evidence, the defence gave no evidence, the defence gave no evidence.

Meanwhile Peter Power, the complainant, was a mystery. It has lately appeared that he is a law student in Lamb's office at 20 Broadway. He was married to Miss Camille C. Deane of 242 West Forty-fourth street. The couple have been spending the winter in Europe. He is now, now to be transformed for the bridegroom to a moon in jail.

Mr. Guthrie said that Lamb had promised to produce his "moon" on "Wednesday," then "shortly" and at last practically had refused to produce him. Three weeks passed while Power was on a supposititious wedding, and a representative of the court had been married in June. Finally a subpoena was issued for July 29, in the presence of Mr. Lamb. The subpoena was served on the sidewalk and Lamb afterward walked back and picked up the fee of \$3 that had fallen with the subpoena.

At this point Judge Lacombe interrupted Mr. Guthrie to ask, "Where is this Mr. Lamb, by the way?" Lamb stood up and the court looked at him for a moment.

Power did not obey this subpoena, nor another one that followed, but Lamb always maintained that he would produce him on the proper time of the subpoena. "That would be July 29 at 11 A. M.," dryly interrupted the court. But on July 29, and on Aug. 1, and on Aug. 4 no Power appeared. Finally Judge Lacombe in Judge Lacombe's absence, issued an order commanding Power to appear yesterday and say why he should not be suspended from practice. Meanwhile Mr. Richard F. Burke of 733 Lexington avenue, had appeared and testified that he had found Power suffering from nervous prostration, and that he had been married in June. Finally a subpoena was issued for July 29, in the presence of Mr. Lamb. The subpoena was served on the sidewalk and Lamb afterward walked back and picked up the fee of \$3 that had fallen with the subpoena.

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A CROSS-EXAMINATION OF THE LAWYER BY JUDGE LACOMBE, AS FOLLOWS:

The Court—Were you not there at the first trial?

Mr. Lamb—Yes, but it was not a proper service; the papers never touched Power.

The Court—Well, how about the second service?

Mr. Lamb—That was improper, also. The Court—But I understand you picked up the fees in the first service yourself.

Mr. Lamb—Oh, well, I picked them up out of curiosity—simply curiosity. And the second service was made by a messenger.

The Court—Never mind that. Your client committed contempt when he failed to appear.

Mr. Lamb—He would have appeared if I had a proper chance. These papers were not served on me till Monday, and they were obtained a week later. They could have found me, if not Power.

The Court—It did not seem to do much good to find you, Mr. Lamb. Why have you no affidavits from Power in reply to these papers?

Mr. Lamb—He was in West Hurley and he is there yesterday. I don't know where he is.

The Court—But you were there on Monday night (July 29), and you saved them, this is all most curious, Mr. Lamb.

Mr. Lamb then began to refer sarcastically to the "eminently dignified and respected" members of the bar who opposed him. He said that the swearing abilities and consciences of Pinkerton detectives were wondrously elastic, and of Peter Power, of his own knowledge, that Power was not fit to appear.

"Never mind that," interrupted the Court, "he should be here."

At this point Mr. Lamb picked up his black bag and some papers, and he and the spectators crowded round and craned their necks; it seemed as though every man expected the lawyer to produce Power.

"I don't know where he is," said Mr. Lamb, "but I will find him at least five days to prepare answering affidavits."

"A very serious matter," answered the judge, "I deny you any extension of time. I find that Mr. Peter Power was properly served; that he deliberately disobeyed the order of the court; that he has appeared, and that he stands here in contempt. Rather, he does not stand here, he is in more than contempt by refusing to answer the order of the court."

Power was held in Ludlow Street Jail by the United States Marshal for flagrant contempt of court, and a warrant of commitment was issued for his arrest.

Judge Lacombe then instructed Mr. Guthrie that on Power's arrest, the defendant counsel should be ready to go on with the examination of the case above related, unless he was found physically unfit to leave the jail, in which case another arrangement would be made. Then he ordered Lamb to show cause above related.

Mr. Lamb picked up his bag and retired. In the hall he was asked what he thought.

"It is awful," he muttered, wiping his forehead with a handkerchief.

Further, he said not Mr. Guthrie said that he did not consider it a victory; it was rather a sad, unfortunate affair.

MOUNTAIN TORRENT HITS TRAIN.
Wall of Water Eight Feet High Sweeps Cars From the Train—Tourists Escape.

FLORENCE, Col., Aug. 6.—Three hundred tourists from the East, bound for California, had a narrow escape from death today when a mountain stream near Silver Lake, had been a wall of water eight feet high coming down Peck Creek. The flood was caused by the heavy rains in the mountains south of here yesterday afternoon.

The brakeman saw the torrent when it was only a short distance from the train. He rushed through the eight coaches and told the passengers in the two rear cars to hurry to the front of the train. As the last tourist left the rear coach the water struck the cars and, breaking the coupling pins, hurled them into the air and landed them forty feet from the track. The trucks were knocked off the day coach, which after striking the ground went down fifteen feet in the mud. The sleeper was thrown several feet from the track.

The engine was badly damaged by the water, but managed to pull the two cars remaining on the track some distance from the flood and they are now occupied by the tourists and trainmen. No one was injured.

2D AVENUE ELEVATED BLOCKED.
Electric Train's Air Brake Broke Down—Road Tied Up Most of an Hour.

The electric trains on the Second avenue elevated on the curve at Twenty-third street and Second avenue were blocked for three-quarters of an hour shortly after 10 o'clock last night, and for some time after they started no stop was made by downtown trains between the Thirty-fourth street and Nineteenth street stations.

The delay was caused by an accident to a three-car train in charge of Motorman James Brady. Brady's train was round in the curve from Second avenue into Twenty-third street on its way downtown, when a jarring and banging under the forward car told the motorman that something was wrong. He found that part of the air-brake apparatus had dropped to the track and the train could not be moved without the aid of the loosened parts hanging to the street.

The passengers were piled by groups along the footpath to the Twenty-third street station. The train was kept away from the third rail. There was some delay in notifying the dispatcher's office hence the delay before the stalled cars were moved.

The broken-down cars by way of the central track.

SYDNEY PAGET IN HOSPITAL.
Slight Operation to Be Performed—Illness Not Serious.

Sydney Paget, brother of Almerie Hugh Paget, William C. Whitney's son-in-law, is now with the horses at Saratoga, but is in Roosevelt Hospital. He went to the hospital at 6:30 o'clock last night in a cab from the Waldorf-Astoria, and was admitted as a private patient. Mr. Paget's illness, it was said, is of a nervous nature.

It is understood that he will have a slight operation performed.

Mr. Paget is associated with Mr. Whitney in the racing interests. He has stable of dozen horses and recently sold Swiftmas for \$100,000.

NEW \$250,000 OFFICE SKYSCRAPER.
Another huge skyscraper is to be erected on lower Broadway for a syndicate of which William P. Jeffery is president.

The new building will be 38, 40 and 42 Broadway, running through to New street, with a frontage of 116.3 feet on Broadway and 157 feet on New street, and a varying depth of 14.11, 11.6 and 17.5 feet on New street. It is to be twenty stories, rising 202 feet above the curb, and will be fitted with twelve passenger elevators. The first floor will be devoted to stores and the rest to offices. The Broadway facade will be of granite and limestone for the first four stories and of brick for the remainder, with elaborately decorated terra cotta work for three stories above the main entrance. The building is to cost \$250,000. The plans have just been filed with the Building Bureau by Henry Rice Cobb, architect.

RACE TRAIN TO SARATOGA.
Daily, except Sunday, until Aug. 29. New York Central train leaving at 8:45 A. M. will have Pullman cars for Saratoga 1:40 P. M. First race 2:15 P. M.—Ad.

STRIKE THREAT ON ELEVATED.

ROAD'S HIGHLY PAID MOTORMEN
WANT SHORTER HOURS.

They Were Engineers and Worked Nine—Signed an Agreement to Keep Their Wages and Work Ten—Now They Would Amend It—Chief Arbitrator Wires For and His Assistant Hurrying Here.

The locomotive engineers who have been made motormen to handle the electric motors of the Manhattan Elevated Railway were talking strike yesterday, though they are probably the highest-paid motormen in the country. Grand Chief P. M. Arthur of the Brotherhood of Locomotive Engineers has been telegraphed for and may be here this week. In the meantime Assistant Grand Chief Youngson of the Brotherhood left Cleveland, Ohio, for this city yesterday to find out the complaints of the men and to prevent a strike if possible.

The chief grievance of the engineer-motormen is that Vice-President Skitt of the Manhattan company has declined to sign an agreement submitted to him by a committee of the men taking a trip a day off their present schedule, thus shortening their working day to about nine hours.

When electricity was first substituted for steam power on the elevated and the engineers were made motormen the company agreed that \$3.50 a day, the union wages of the Brotherhood of Locomotive Engineers, to which the men belong, should still be paid, though motormen on the surface cars receive \$1 a day, and in some cases \$1.25 a day less than that. It was arranged at the same time, however, that instead of nine hours a day, the previous schedule, the motormen would work ten hours a day, the number of trips being extended from four and four and a half to six a day. An agreement to this effect was drawn up and signed by representatives of the men and by Mr. Skitt, representing the company.

It is the older men among the engineers who have become discontented with this agreement and who yesterday were talking strike. Some of them have been in the service of the company as long as twenty-three and twenty-four years. The company asserts, and the men themselves in most cases admit, that the elevated is a cleaner and more desirable work than the motor system than with steam engines. For this reason, it is contended, the men should be getting ten hours instead of nine a day.

Since the agreement was signed last February two conferences have been held between Vice-President Skitt, who is also general manager of the road, and representatives of the men. At the first of these the men's committee demanded that their working day be shortened to nine hours, as under the old system the men made daily trips to be lessened for that purpose. The committee consisted of William J. Jenek, Chief of Division No. 165 of the Brotherhood of Locomotive Engineers, J. W. Smith of the Second avenue branch, W. C. Hoff, Third avenue, Andrew MacFarland, Sixth avenue, and Frank Parrish, Ninth avenue. A reply also was made for relays at the end of each trip.

This first conference took place a fortnight ago. The men's committee did not work was not accepted. On Tuesday afternoon a second conference took place. A new agreement was then submitted to Mr. Skitt for signature. It provided for five trips a day, a complete relay for a nine-hour work day. Mr. Skitt declined to sign it.

After this the committee, late on Tuesday night, telegraphed to Grand Chief Arthur of their Brotherhood at his headquarters in Cleveland, telling him that all their demands had been refused and asking him to come here at once. Mr. Skitt said, but he assured them that he had full power to act.

Assistant Manager Grape said to a SUN reporter.

The ten-hour and six-trip schedule has been adopted and will not be changed. The men have nothing to kick about. There are no other motormen in the country who are receiving \$3.50 a day. Their work is cleaner and lighter than the work of engineers and not anything like as hard as that of the motormen on the surface roads, where the men are kept on the rack all the time.

Several of the engineer-motormen on the Second and Third avenue lines, on which the motormen are used in the elevated, told they did not want a strike and did not expect one. Others shook their heads and said they did not know what might happen. Among the motormen the top wages are \$2.50 a day, there is little sympathy for their discontented comrades.

Chairman Jenek of the committee which talked on Mr. Skitt said that under the new system the men have to work eleven and twelve hours a day.

When steam was used on all the lines, he said, "the four and five trips a day took on an average nearly ten hours. Electric motors start more quickly than locomotives, so it was thought by the company that we could make six trips in ten hours. But experience has shown that we can't. There is a bell in each car which must be rung before a train starts. This takes time and the six trips occupy from eleven to twelve hours. The question was brought up at our meeting and it was finally decided to ask for five trips a day, which might take ten hours on an average. Mr. Skitt refused to agree to this."

Regarding the possibility of a strike, Mr. Jenek said that the men had been communicated with and his word would go with the men.

The committee which visited Mr. Skitt with the men's grievances held a meeting late last night at the house of Chairman Jenek. The agreement which Mr. Skitt refused to sign was read and discussed and it was decided to stand firm.

There are no less than twenty-two articles in the agreement, the principal articles providing for the nine-hour work day and \$3.50 a day. There was also an article providing that firemen promoted to be engineers should receive \$3 a day.

Burnett's Coalmine promotes the growth of the hair, and ends it dark and glossy.—Ad.

200 Miles in 20 Hours.
The new "20th Century Limited" of the New York Central and Lake Shore does this every day, and effects a great saving to the Bay State who travels between the East and West.—Ad.

TRACY ENDS HIS WILD CAREER.

WOUNDED AND FACING CAPTURE,
OUTLAW KILLS HIMSELF.

Seven Victims of His Skill With the Rifle Since His Escape From Oregon Penitentiary Two Months Ago—After a Chase in Two States He Turns the Gun on Himself—Posse to Get 60,000.

TACOMA, Wash., Aug. 6.—After being at large from the Oregon Penitentiary for two months, during which time he killed seven men, wounded three men, and broke the leg between the ankle and the knee, and the other one had cut an artery. The murderer had taken a strap and buckled it tightly around his hip. Despite this the bleeding continued and Tracy, probably realizing his hopeless condition, ended the struggle.

His body was found early this morning. Two bullets wound in the left leg showed the cause of the man's fall. One broke the leg between the ankle and the knee, and the other one had cut an artery. The murderer had taken a strap and buckled it tightly around his hip. Despite this the bleeding continued and Tracy, probably realizing his hopeless condition, ended the struggle.

When the news arrived yesterday of the presence of Tracy in the vicinity of Croston, Colo., a posse was organized. Sheriff Cuddeheer and other officers were organized. This consisted of C. A. Straub, deputy sheriff, Dr. E. C. Lanter, Attorney Maurice Smith, J. J. Morrison, a railroad section foreman, and Frank Lillengren. They headed at once for the L. B. Eddy ranch, eleven miles southeast, where Tracy had spent Sunday. Arriving near the ranch shortly after 4 o'clock in the afternoon, Eddy was seen working in one of his fields.

The posse approached and at that moment Dr. Lanter saw a man step from the barn, some distance away.

"Is that Tracy?" he asked.

"It surely is," replied Eddy.

The party separated, Lanter and Smith accompanying Eddy in the direction of the barn, while the other two men swung around to cut off any break for liberty in another direction.

When Lanter and Smith got near enough to Tracy, they shouted: "Hold up your hands!" The outlaw jumped behind Eddy, and commanded the farmer to lead his horses to the barn. Under this cover he moved toward shelter. When near the stable he broke and dashed inside. He quickly reappeared, rifle in hand, and fired a bullet at each of the posse members. Turning he fired two shots, but without result.

Coming to a big rock, Tracy dodged behind it, and, sighting his gun, began to fire. The posse members in all were fired by the outlaw. Tracy's star was beginning to set. None of the shots took effect. The posse continued to advance, and seeing how ineffective were his efforts, Tracy made a dash for the wheat field. Just as he was entering the field he stumbled and fell, crawling into the protecting grain on his hands and knees.

It was then getting dark and the posse decided to surround the place and await daylight. In the meantime Sheriff Smith and others arrived. In the morning they searched the field and found the body.

For some time the body was publicly exhibited on a street corner. These men, and Tracy's presence at the Eddy ranch, are believed to be entitled to the reward of \$5,000. Orders have been received from Gov. Geer of Oregon to hold the body of Tracy until it is identified.

Two States and thirteen counties, two in Oregon and eleven in Washington, have sent about \$10,000 in the hunt for Tracy. He traversed Multnomah county, Ore., and Clark, Coville, Lewis, Thurston, Pierce, King, Kittitas, Chelan, Douglas and Lincoln counties, where he was captured by Spokane county, where Tracy was heading, all joined in the chase.

Tracy and another convict named Merrill escaped from the Oregon penitentiary on June 9, killing three guards and wounding another. Tracy had previously killed a deputy sheriff in Colorado, and had escaped from the State of Oregon by traveling together for the next three weeks, keeping ahead of their pursuers by riding stolen horses. At one time they held up two men, robbed them and took their money. At another they were surrounded by 250 militiamen, but broke through the cordon.

Early in July Tracy and Merrill traveled to the State of Washington, where they were captured by a posse, admitting that he had killed Merrill in a duel, admitting that he had killed Merrill in a duel, admitting that he had killed Merrill in a duel.

In the ensuing fight he killed two deputies and fatally wounded another. He then continued his flight on stolen horses, and on July 10 he was captured by a posse, admitting that he had killed Merrill in a duel, admitting that he had killed Merrill in a duel.

Tracy was taken to the State of Washington, where he was held in custody. He was then taken to the State of Oregon, where he was held in custody. He was then taken to the State of Oregon, where he was held in custody.

KITCHENER TO MARRY?
London's Gift of Service of Silver Plate Starts the Rumor.

LONDON, Aug. 6.—The rumor of a marriage between Lord Kitchener and a girl named Mrs. Squires has been started by the gift of service of silver plate to the Lord Kitchener.

The matter was referred to the Ayuntamiento, which directed the Mayor to apologize in its name. The Chief of Police has explained to the public that the municipal ordinances forbid carriages staying at the curb in front of the hotel. Inglaterra and that it is also forbidden for two persons to sit on the box of a hired carriage. Nevertheless three policemen have been suspended and two discharged for their behavior toward the Minister's wife.

It appears that errors were made yesterday in the announcement of the proposed increase in duties to provide for the new loan. The subjects in the new loan are now being revised by 25 cents per 1,000, on soap 100 per cent., on bacon 50, on lard 50, on flour 50, on codfish 50 and on corn 33 per cent.

DISROBING ACT ON BROADWAY.
Curious Crowd Sees a Thorough and Successful Hunt for Tobacco.

A man about 35 years old stopped on the west side of Broadway between Thirty-third and Thirty-fourth streets about a week ago last night and began to search through his coat pockets as if he had lost everything he had. He removed his coat and hunted in the inner pockets. Then he dropped the coat on the walk.

Then he removed his waistcoat and went through its pockets inside and out. The waistcoat joined the coat on the sidewalk and the crowd of watchers, some of whom were women, increased. Then he began to search his trousers pockets. The trousers were crossed and turned up at the bottom. He couldn't find what he was looking for in the pockets and before the surprised spectators realized what he was about to do, he had slipped out of his trousers.

When he got out of his trousers he held them up and turned them inside out. Then he felt them all over carefully, even unrolling the turned-up section. From the left of the right leg a piece of drug tobacco dropped to the pavement. The man grabbed it.

"I've found you at last," he said, "I've found you at last."

Then he put the tobacco in his mouth, donned his clothes and walked to Thirty-third street, disappearing toward Fifth avenue. Not till he was out of sight did a policeman appear.

GERMAN SOCIAL DEMOCRATS PLAY A JOKE ON THE GOVERNMENT.
Special Cable Dispatch to The Sun.

BERLIN, Aug. 6.—The Social Democrats played the Government an amusing trick at today's sitting of the Reichstag. The chairman suddenly discovered that an amendment to an item under discussion classified orders bestowed by sovereigns among children's toys and proposed to levy a duty of 1,000 marks on them "without regard to material or weight."

Count Posenovsky-Wether, Imperial Minister of the Interior, declared that the feelings of every loyalist and who were persons of high social position would be hurt by the amendment was dropped.

CALL ROYAL DECORATIONS TOY.
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